

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TEMSA ULASIM ARACLARI SANAYI
VE TICARET A.S.,

Plaintiff,

v.

TC NEVADA, LLC, MICHAEL
HAGGERTY, JOHN P. HAGGERTY, and
OLGA F. HAGGERTY,

Defendants.

Case No. 2:18-cv-01738-APG-EJY

ORDER

Pending before the Court is Plaintiff's Unopposed Motion for Leave to Serve Deposition Subpoena on Third-Party Witness Marty Barrett by Alternative Means (ECF No. 111). The Court finds Plaintiff made serious attempts to effect personal service on Mr. Barrett on more than one occasion. *Id.* Mr. Barrett cannot be located after diligent efforts to effect service ordinarily accomplished under Federal Rule of Civil Procedure 45. "Fed. R. Civ. P. 45(b)(1) does not require personal service and that an alternative means of service, usually by certified mail or overnight courier, is acceptable so long as service reasonably insures actual receipt of the subpoena." *Westgate LVH, LLC v. Trustees of Nevada Resort Ass'n*, Case No. 2:17-cv-01731-RFB-NJK, 2018 WL 11445543, at *1 (D. Nev. July 16, 2018) (granting plaintiff's motion to serve a deposition subpoena on third party witness by alternative means).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion for Leave to Serve Deposition Subpoena on Third-Party Witness Marty Barrett by Alternative Means (ECF No. 111) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff must attempt service by certified mail **and** overnight courier (such as Federal Express or UPS) on Marty Barrett at all

1 addresses available providing each with at least fourteen (14) days of advance notice for the date,
2 time, and location of his deposition.

3 Dated this 29th day of October, 2024.

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5 ELAYNA J. YOUCHAH
6 UNITED STATES MAGISTRATE JUDGE
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